

**BEFORE HON'BLE NATIONAL GREEN TRIBUNAL**  
**PRINCIPAL BENCH, NEW DELHI**

IA No. 370/2025

IN

OA No. 175/2021

**IN THE MATTER OF:**NAHARPUR RESIDENTS  
WELFARE ASSOCIATION (REGD.)

...APPLICANT

VERSUS

DY. CONSERVATOR OF FORESTS AND  
TREE OFFICER (NORTH) & ORS.

...RESPONDENT(S)

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APPLICANT

DELHI

DATED. 06.03.2026

THROUGH

*Rajendra Kumar Adv*      *Adv. Ashutosh Saini*

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**REJOINDER ON BEHALF OF THE APPLICANT TO THE REPLY**  
**FILED BY RESPONDENT NO. 1**

**MOST RESPECTFULLY SHOWETH:**

**PRELIMINARY SUBMISSIONS**

1. That the Applicant, Naharpur Residents Welfare Association (Regd.), files the present Rejoinder to the Reply dated 19.12.2025 filed by Respondent No. 1, i.e., the Deputy Conservator of Forests (North), GNCT of Delhi, in the above-captioned Original Application and denies each and every averment, submission, and contention raised in the said Reply except those that are specifically and expressly admitted herein.
2. That the present Rejoinder is being filed with utmost respect for this Hon'ble Tribunal, while bringing to its attention the gross inadequacy, piecemeal approach, and self-serving nature of the Reply filed by Respondent No. 1, which attempts to project minimal and reactive administrative action as full compliance, and to secure dismissal of this

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Original Application filed in larger public interest for the preservation of a significant number of trees in Naharpur, Rohini, Delhi.

3. That the contents of the Reply of Respondent No. 1 are a matter of record and this Hon'ble Tribunal may be pleased to peruse the same. The Applicant respectfully submits that the said Reply suffers from the following fundamental infirmities and conceals crucial facts from this Hon'ble Tribunal.

### **REPLY TO REPLY ON MERITS**

#### **In reply to Para 1 of the Reply:**

The contents of Para 1 are a matter of record as they refer to the order dated 22.09.2025 passed by this Hon'ble Tribunal. However, it is respectfully submitted that compliance of the said order is in letter alone, without addressing the substantive grievance of the Applicant, does not further the cause of environmental justice which is the avowed mandate of this Hon'ble Tribunal under the National Green Tribunal Act, 2010.

#### **In reply to Para 2 of the Reply:**

The contents of Para 2 are partly admitted insofar as the present application (IA No. 370/2025) seeks impleadment of three plot owners and initiation of action proceedings against them. It is, however, respectfully submitted that the relief sought is not limited to the three named plot owners but reflects a systemic and ongoing pattern of illegal tree-felling and pruning across multiple plots in Naharpur, Rohini, Delhi, which has been brought to the attention of this Hon'ble Tribunal through the parent OA No. 175/2021. The three plot owners named are illustrative instances and not an exhaustive account of the violations.

It is further submitted that the applicant had specifically mentioned that it has become the modus-oprendi of the plot owners to cut trees of their plots illegally after installing 25 feet high blue iron sheets around their plots. The applicant has also attached the photographs (Annexure-A-8 Colly) of some of the plots; but the respondent did not take any action to get the blue iron sheets removed from the plots to save the illegal cutting of trees. The applicant had filed the entire list of existing trees in pocket E-1, E-2, E-3 and E-4 (as supplied by DDA) along with IA no. 513/2024 as Annexure-A-1(colly) same is reflecting in the judicial filed from page no. 134 to 166 and prayed the Hon'ble court for the protection of all those Trees by the respondent no. 1 and 4 i.e. Delhi Police. The respondent no.1 and 4 keep on watching for further complaint of any person regarding illegal cutting/felling of the trees rather taking any action for protection of the same. The respondent no.1 has filed additional documents for the name sake only regarding the particulars of the plot and the number of trees present in the said plot leaving such plots where the blue iron sheets have been placed by the plot owners. The applicant had informed and mentioned the number of plots i.e. E-4/46, E-4/80, E-4/81, E-4/96, E-4/98, E-4/99 in his IA no. 340/2025 specifically mentioning that the owner of these plots are going to illegally cut the trees standing in their plots, despite that no action was taken by R-1 and R-4 to prevent the cutting of those trees but have filed the documents reflecting that the trees of E-4/46 and E-4/96 have been cut down illegally (the said documents are at page no. 417 and 418).

It is particular to submit here that the applicant has informed the R-1 and R-4 of the plot nos. i.e. E-4/47, E-4/48, E-4/49, E-4/51, E-4/78 and E-4/79 wherein blue tin sheds have been placed by the owners of the plot and they are going to illegal cut the trees of their plots; but till date no action has been taken by R-1 and R-4 and they are openly claiming that they would take action only

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after commission of the crime i.e. illegal cutting of trees and will not take any action to protect them.

**In reply to Para 3 of the Reply:**

The contents of Para 3 are a matter of record to the extent they acknowledge that an FIR bearing No. 0324/2023 was registered against the owner of Plot No. E-4/99, Sector-7, Naharpur, Rohini, Delhi, under Sections 8 and 24 of the Delhi Preservation of Trees Act, 1994 ('DPTA, 1994'), and that a criminal case bearing Cr. Case No. 6331/2024 is pending before the Ld. Judicial Magistrate First Class-03 NW/Rohini. It is, however, emphatically denied that the mere registration of an FIR and pendency of a criminal case constitutes adequate action or satisfies the environmental concerns raised before this Hon'ble Tribunal. It is respectfully submitted that:

(a) The FIR was registered only after the trees had already been illegally felled. The registration of the FIR is a post-facto, reactive measure and has not resulted in restoration of the felled trees or compensatory plantation of any kind.

(b) The criminal proceedings before the Magistrate's Court are at a nascent stage and there is no conviction or any final order directing remediation, restoration, or compensatory afforestation. Pendency of criminal proceedings is not a substitute for environmental remediation.

(c) This Hon'ble Tribunal has consistently held that the National Green Tribunal Act, 2010 and the environmental laws mandate not merely prosecution of offenders but restoration of the environment to its pre-degradation state, in accordance with the 'Polluter Pays' and 'Precautionary Principles' enshrined under the Environment Protection Act, 1986 and the Rio Declaration. The Respondent No.

l's reply is conspicuously silent on any remedial or restorative action.

**In reply to Para 4 of the Reply:**

The contents of Para 4 are a matter of record to the extent they refer to the letter dated 13.01.2025 directing registration of an FIR with respect to the tree offence at Plot No. E-4/50, Pocket E-4, Sector-7, Rohini, Delhi-85, and the subsequent registration of FIR No. 0149/2025. It is respectfully denied that the same constitutes adequate or sufficient compliance. It is further submitted that:

(a) Even in the matter of Plot No. E-4/50, the initial investigation report (as referenced in Annexure-B COLLY) confirmed that approximately three trees located inside the said property were illegally pruned without obtaining permission from the Tree Officer under Section 9 of DPTA, 1994. This constitutes a serious environmental violation, yet Respondent No. 1 has not disclosed what steps, if any, have been taken to ensure re-plantation or restoration of the ecological damage caused.

(b) The letter dated 13.01.2025 in Annexure-B also explicitly acknowledges that the above action constitutes a violation of the order dated 05.04.2024 passed by this Hon'ble Tribunal in O.A. No. 175/2021 and the order dated 31.08.2023 of the Hon'ble High Court of Delhi in Cont. Case (c) No. 1149/2022 titled as 'Bhavreen Kandhari Vs. Shri C.D. Singh & Ors.' This admission by Respondent No. 1 in its own official correspondence is binding and demonstrates that tree offences in Naharpur were being committed in willful disregard of judicial orders, making the matter all the more serious.

**In reply to Para 5 of the Reply:**

The contents of Para 5 are a matter of record to the extent they confirm FIR No. 0149/2025 was registered by P.S. North Rohini, Delhi-85 against the owner of Plot No. E-4/50, Sector-7, Rohini, Delhi-85. The Applicant reiterates its submissions in reply to Para 4 above and further states that the mere filing of an FIR does not address the damage to the environment. The trees that have been illegally pruned or felled cannot be restored by the filing of an FIR, and no compensatory plantation has been directed, secured, or undertaken.

**In reply to Para 6 of the Reply:**

The contents of Para 6 are a matter of record to the extent they refer to the tree offence related to Plot No. E-2/36, Sector-7, and Plot No. E-2/37, Rohini, Delhi-85, the notice dated 25.06.2024 scheduling a tree hearing, and the directions for FIR registration vide letter dated 29.10.2024 (Annexure-C COLLY). It is, however, respectfully and emphatically submitted that:

(a) It is deeply concerning that Respondent No. 1 has admitted in its own reply that 'none of the parties appeared for the tree hearing before the court of the Tree Officer.' This points to the complete abdication of responsibility by the very parties who committed the tree offences, and simultaneously demonstrates the utter failure of Respondent No. 1 to enforce compliance and ensure attendance before the Tree Officer, despite having jurisdiction and authority to do so under the DPTA, 1994.

(b) The directions for FIR registration were issued only on 29.10.2024, nearly four months after the tree hearing notice of 25.06.2024 — indicating a chronic lack of urgency and dilatory conduct on the part of Respondent No. 1 in enforcing the law. There

is no indication in the Reply as to whether the FIR in this case has even been registered, or what stage those proceedings are at.

**In reply to Para 7 of the Reply:**

The averments in Para 7 to the effect that Respondent No. 1 'has in the past, as also in the present instance done and will continue to do everything in its power' to ensure compliance are vague, self-serving, and not supported by concrete evidence of restorative action. The Applicant respectfully submits that the Hon'ble Tribunal should not accept such bald assurances as sufficient compliance. The environment cannot wait for bureaucratic assurances; it requires concrete, documented, and measurable action.

**IN REPLY TO THE PRAYER OF RESPONDENT NO. 1**

The Applicant respectfully opposes each prayer made by Respondent No. 1 in its Reply and submits as follows:

**Prayer A (Dismissal of OA No. 175/2021):**

It is submitted that the prayer to dismiss OA No. 175/2021 is wholly misconceived, premature, and contrary to the interests of environmental protection. The OA was filed by the Applicant on account of the imminent threat of felling of approximately 500 trees at Naharpur, Rohini, Delhi, and multiple violations of the DPTA, 1994 across several plots in the said area. The assertion of Respondent No. 1 that 'no such permission for felling of 500 trees at Naharpur has ever been accorded by the deponent' does not address the substantive concerns raised in the OA, which relate to the actual and ongoing illegal felling and pruning of trees in the area, the failure to secure compensatory plantation, and the failure to ensure protection of the existing tree cover. The OA cannot be dismissed merely because no formal permission was granted — indeed, the entire grievance is that trees are being illegally cut

without permission, and Respondent No. 1 has failed to prevent the same proactively.

**Prayer B (Adequacy of Action Initiated):**

It is submitted that the initiation of FIR proceedings in respect of isolated incidents at specific plots does not satisfy the wider mandate of this Hon'ble Tribunal. The Applicant respectfully submits that this Hon'ble Tribunal may be pleased to:

- (i) Direct a comprehensive survey and enumeration of all trees in the Naharpur area and require Respondent No. 1 to file a status report thereon.
- (ii) Direct Respondent No. 1 and the concerned authorities to ensure compensatory plantation at the rate of ten trees for every one tree illegally felled, as per established environmental law principles.
- (iii) Direct Respondent No. 1 to recover environmental compensation from the erring plot owners and deposit the same with the Central Pollution Control Board / National Green Tribunal's Green Fund.
- (iv) Direct regular and periodic inspections by the Forest Department in the Naharpur area to prevent any further illegal felling or pruning of trees.

**Prayer C:**

The Applicant has no objection to this Hon'ble Tribunal passing such further orders as it may deem fit in the facts and circumstances of the case, and in fact, prays that this Hon'ble Tribunal may exercise its jurisdiction under Sections 14, 15, and 17 of the National Green Tribunal Act, 2010 to grant comprehensive relief in favour of the environment and the residents of Naharpur.

ADDITIONAL GROUNDS

- I. That this Hon'ble Tribunal has jurisdiction under Section 14 of the National Green Tribunal Act, 2010 to adjudicate upon disputes involving substantial question relating to the environment, including enforcement of any legal right relating to the environment. The present case squarely falls within this jurisdiction as it involves violation of the DPTA, 1994, the Environment Protection Act, 1986, and judicial orders previously passed.
- II. That the Respondent No. 1's own Annexures (A, B, and C COLLY) conclusively establish that: (a) trees at multiple plots have been illegally felled/pruned without permission; (b) these violations occurred in defiance of orders of this Hon'ble Tribunal in OA No. 175/2021 as well as orders of the Hon'ble Delhi High Court in Cont. Case (c) No. 1149/2022; (c) the Forest Department was made aware of these violations and took action only belatedly and reactively. The Respondent No. 1 thus stands condemned out of its own mouth.
- III. That the 'Polluter Pays' and 'Precautionary Principles,' which are firmly embedded in Indian environmental jurisprudence as enunciated by the Hon'ble Supreme Court in Vellore Citizens Welfare Forum v. Union of India (1996) 5 SCC 647 and reiterated by this Hon'ble Tribunal in numerous judgments, mandate that the offenders be made to restore the environment to its pre-degradation state and pay compensation for the ecological damage caused. The Respondent No. 1's reply is entirely silent on the enforcement of these principles.
- IV. That the registration of FIRs and pendency of criminal prosecution, while necessary, are not substitutes for environmental remediation. The criminal law and environmental law operate in different spheres.

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Environmental enforcement must include restoration of felled trees through compensatory plantation, recovery of environmental compensation, and proactive monitoring — none of which have been secured or reported by Respondent No. 1.

- V. That the Applicant and the residents of Naharpur continue to face the risk of loss of the remaining tree cover in the area. A robust and systemic response is required from the authorities, not merely case-to-case FIR registration after the damage has already been done. The Applicant respectfully prays that this Hon'ble Tribunal may be pleased to pass appropriate directions to ensure comprehensive and preventive action.

#### PRAYER

In view of the aforesaid facts, circumstances, and legal submissions, it is most respectfully prayed that this Hon'ble Tribunal may kindly be pleased to:

- A. Direct Respondent No. 1 to conduct a comprehensive survey and enumeration of all trees in the Naharpur area and submit a status report before this Hon'ble Tribunal within four weeks;
- B. Direct Respondent No. 1 and/or the concerned authorities to ensure compensatory plantation at the rate of ten trees for every one tree found to have been illegally felled, pruned, or damaged, and to submit a compliance report thereon;
- C. Direct that environmental compensation be recovered from each of the erring plot owners and deposited with the competent authority / National Green Tribunal's Green Fund;

- D. Direct Respondent No. 1 to conduct regular inspections in the Naharpur area and take proactive preventive measures to stop further illegal felling or pruning of trees;
- E. Direct impleadment of Shri Pawan Dutta (Plot No. E-4/99), Shri Yogesh Goyal (Plot No. E-4/50), and Shri Manoj Gupta (Plot No. E-2/36), Sector-7, Rohini, Delhi-85 as respondents in the proceedings;
- F. Pass such other order or further orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case and in the interest of justice and environmental protection.

APPLICANT

DELHI  
DATED. 06.03.2026

THROUGH

*Rajendra Adv* *Adv. Ashutosh Saini*  
(RAJENDRA KUMAR & ASHUTOSH SAINI)

ADVOCATES

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IN THE MATTER OF:

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WELFARE ASSOCIATION (REGD.)

...APPLICANT

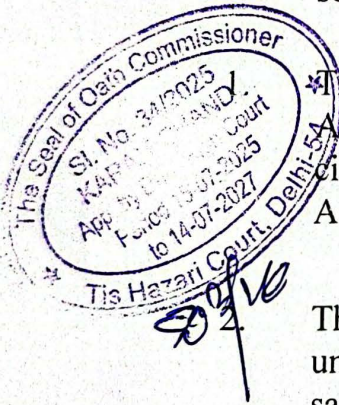
VERSUS

DEPUTY CONSERVATOR OF FORESTS AND  
TREE OFFICER (WEST) & ORS.

...RESPONDENT(S)

AFFIDAVIT

I, Naresh Rao S/o Shri Ambe, Aged about 61, Resident of 38-B, Naharpur, Sector-7, Rohini, Delhi-110085, do hereby solemnly affirm and declare as under:-



That I am the President and Authorized Signatory of the Applicant Association and being so, I am well conversant with the facts and circumstances of the instant case, duly authorized by the Applicant Association and thus duly competent to swear this Affidavit.

That the accompanying rejoinder has been drafted by my counsel under my instructions. I have fully understood the contents of the same and found the same to be true and correct to the best of my knowledge and belief.

*[Signature]*  
DEPONENT

06 MAR 2026

*Rejoinder by  
Att  
Deponent who are signed  
thumb impression before me*

VERIFICATION

Verified at New Delhi on this \_\_\_ March, 2026, that the contents of the Above Affidavit are true and correct to the best of my knowledge and belief and nothing material has been concealed therefrom. *Naresh Rao* identified by Shri/Smt. *Ambe* has solemnly affirmed before me at Delhi on \_\_\_ at St. No. *38-B* that the contents of the affidavit which have been read over & explained to him/her are true & correct to his/her knowledge

*[Signature]*  
DEPONENT

KARNAM CHANT  
Oath Commissioner, Delhi

06 MAR 2026

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Rajendra Kumar &lt;rajendraadv98@gmail.com&gt;

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**Rejoinder to the Reply of IA No. 370/2025 in OA no. 175/2021 titled as "Naharpur RWA vs Dy. conservator of forests and tree officer (North) and ors."**

1 message

**Rajendra Kumar** <rajendraadv98@gmail.com>

Wed, Jul 1, 2026 at 4:13 PM

To: jmalawoffices@gmail.com, dcfnorth.gnctd@gov.in, delpol.service@delhipolice.gov.in

Sir/Madam

Please find attached herewith the subject copy in pdf format.

Please acknowledge the same.

Regards

Advocate for OA

RAJENDRA KUMAR

ADVOCATE

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E-mail:-[rajendraadv98@gmail.com](mailto:rajendraadv98@gmail.com)**Rejoinder in Naharpur NGT IA NO. 370\_2025.pdf**

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